THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 1116 OF 2003

Date: 22.12.2006

Between:

Union of India, rep., by its Secretary to Government, Ministry of Water Resources, New Delhi and three others.

…. Petitioners.

And

K. Muthan, S/o R. Kuruman, West, Palghat, Kerala.

… Respondent.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 1116 OF 2003

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This writ petition is filed aggrieved by the order of the Central Administrative Tribunal, Hyderabad Bench in O.A.146 of 2001 dated 1.5.2002.

The Tribunal, in its order dated 1.5.2002 quashed the impugned order dated 9.11.1998 and directed the respondents to step up the pay of the applicant on par with his junior Sri P.D.Burman from the date of receipt of a copy of the order.

While Sri A. Rajasekhar Reddy, Learned Assistant Solicitor General, would raise several contentions including that in the absence of the seniority list finalized in 1981 being challenged the relief sought for in the O.A. could not have been granted. Both Sri Siva, learned Counsel for the petitioner and the learned Assistant Solicitor General would agree that, as a result of the order passed by the Tribunal, the benefit which the respondent–applicant would get is approximately Rs.6500/- only. Since the respondent–applicant has retired from service, and the amount involved is negligible, we deem it appropriate, while leaving the questions of law which arise for consideration in this writ petition open for consideration in an appropriate case, not to exercise our discretionary jurisdiction under Article 226 of the Constitution of

India to interfere with the order of the Tribunal as the only benefit which the respondent-applicant has got as a result of the order of the Tribunal is admittedly a negligible amount of Rs.6,500/- (Rupees six thousand five hundred only).

The writ petition fails and is accordingly dismissed. However, in the circumstances, without costs.

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B. PRAKASH RAO, J

Date: 22-12-2006

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RAMESH RANGANATHAN, J

Note: C.C. in one week
B/o
ASP